Dealing with the Problem of Unpaid Interns and Nonprofit/Profit-Neutral Newsmagazines: A Legal Argument that Balances the Rights of America?s Hardworking Interns with the Needs of America?s Hardworking News Gatherers

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This article addresses a topic that the published literature on the legal problems of unpaid internships has yet to fully deal with. The people of the United States have long relied on nonprofit and profit-neutral newsmagazines for both opinion journalism and traditional journalism. And as the newsmagazine industry continues to face economic challenges due to the effect that the Internet is having on the way Americans consume news products, one can expect newsmagazines that never make a profit to only increase in population. Consequently, the continued vitality of such publications is a matter of public concern. The proliferation of unpaid intern workers, however, is also a matter of grave public concern. Most of the time, unpaid intern workers are operating under agreements to labor that violate both principles of social justice and the Fair Labor Standards Act of 1938. These interns are being exploited by their employers, who should be paying the interns the minimum wage. And yet, litigation to correct this injustice, and force employers to pay interns the minimum wage, may have an unfortunate side-effect. If nonprofit and profit-neutral newsmagazines had to pay their interns, who are volunteering their services for the good of the ideological and intellectual mission of the newsmagazine, then that cost could bring those newsmagazines just one step closer to going out of business. Fortunately, federal law in this area provides us with a pathway whereby interns who are working at companies that seriously plan to make a profit can be paid the minimum wage, while interns who are volunteering their services to nonprofit and profit-neutral newsmagazines can continue to do so without violating the law. The detailed description of this legal pathway is the main purpose of this article.

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